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Attorneys for Defendants Oregon Department of Education, Colt Gill and Katherine Brown

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

J.N., et al.,

Plaintiffs,

v.

OREGON DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

Case No. 6:19-cv-00096-AA

DEFENDANTS' RESPONSE TO  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND NOTICE OF  
INTENT TO AMEND ANSWER

Defendants hereby notify the Court that they intend to file an Amended Answer removing the first, second and third affirmative defenses that are the subject of Plaintiffs' motion for partial summary judgment. Plaintiffs have consented in writing to the amendment. Defendants reserve the right to argue at summary judgment and/or trial that Plaintiffs' claims fail as a matter of law. In light of Plaintiffs' position that they are challenging only Defendants' blanket policies and practices which cannot be remedied through the administrative process, and that the claims do not challenge individualized decisions made by any school district with respect

to any Individualized Education Plan, Defendants are waiving any affirmative defenses related to exhaustion in this case.

DATED March 11, 2021.

Respectfully submitted,

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